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16 **UNITED STATES DISTRICT COURT**
17 **CENTRAL DISTRICT OF CALIFORNIA**

18 JACKSON BROWNE, an individual

19 Plaintiff,

20 vs.

21 JOHN MCCAIN, an individual; THE
22 REPUBLICAN NATIONAL
23 COMMITTEE, a non-profit political
24 organization; THE OHIO
25 REPUBLICAN PARTY; a non-profit
26 political organization

27 Defendants.

CASE NO. CV 08-05334 RGK (Ex)

**DECLARATION OF JONATHAN P.
STEINSAPIR IN SUPPORT OF
PLAINTIFF JACKSON BROWNE'S
CONSOLIDATED OPPOSITION
TO DEFENDANTS' MOTIONS TO
DISMISS PURSUANT TO
FEDERAL RULE OF CIVIL
PROCEDURE 12(b)(6)**

Date: February 2, 2009

Time: 9:00 a.m.

Courtroom: 850 (Roybal Bldg.)

Judge: Hon. R. Gary Klausner

DECLARATION OF JONATHAN P. STEINSAPIR

I, Donald Miller, declare as follows:

1. I am an attorney duly admitted to practice before this Court. I am an associate with Kinsella Weitzman Iser Kump & Aldisert LLP, attorneys of record for Plaintiff Jackson Browne. Unless stated on information and belief, I have personal knowledge of the following facts, and I could and would testify competently to such facts under oath.

2. On or around December 30, 2008, a search of the United States Patent & Trademark Office's ("PTO") publicly available Trademark Electronic Search System was conducted at my direction for marks prosecuted and/or obtained by the Defendants in this action. A simple search showed that Defendant Republican National Committee has sought protection for at least 118 marks (of course, not all the prosecutions led to registrations).

3. Attached as Exhibit B hereto is a true and correct copy of Registration No. 1,994,455 (Aug. 20, 1996) for the trademark and service mark GOPTV, which names Defendant Republican National Committee as the registrant. Among other things, the Registration notes a "first use in commerce" for "political booklets and posters" and for "television programming . . . in the field of politics." I downloaded the attached copy of this certificate from the PTO's website on January 7, 2009.

4. Attached as Exhibit B hereto is a true and correct copy of Registration No. 1,980,493 (June 18, 1996) for the trademark and service mark RISING TIDE, which names Defendant Republican National Committee as the registrant. Among other things, the Registration notes a "first use in commerce" for "television programming . . . in the field of politics." I downloaded the attached copy of this certificate from the PTO's website on January 7, 2009.

5. Attached as Exhibit C hereto is a true and correct copy of Registration No. 3,333,658 (Nov. 13, 2007) for the stylized service mark MCCAIN, which names John McCain 2008 – The Exploratory Committee, Inc., as registrant. Among

1 other things, the Registration notes a “first use in commerce” for “political
2 campaign services, namely fundraising in the field of politics.” I downloaded the
3 attached copy of this certificate from the PTO’s website on January 7, 2009.

4 6. Attached as Exhibit D hereto is a true and correct copy of Registration
5 No. 3,395,543 (Mar. 11, 2008) for the service mark MCCAIN SPACE, which names
6 John McCain 2008 – The Exploratory Committee, Inc., as registrant. Among other
7 things, the Registration notes a “first use in commerce” for an online message board
8 “in the field of national policy and matters of interest to the national electorate.” I
9 downloaded the attached copy of this certificate from the PTO’s website on January
10 7, 2009.

11 I declare under penalty of perjury under the laws of California and the United
12 States of America that the foregoing is true and correct.

13 Executed January 7, 2009, in Santa Monica, California.

14
15 /s/Jonathan P. Steinsapir
16 Jonathan P. Steinsapir
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EXHIBIT A

Int. Cls.: 16, 38 and 41

**Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, 50, 100, 101, 104
and 107**

United States Patent and Trademark Office

Reg. No. 1,994,455

Registered Aug. 20, 1996

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**



**REPUBLICAN NATIONAL COMMITTEE (D.C.
UNINCORPORATED POLITICAL ASSOCIA-
TION)**

**CHIEF COUNSEL'S OFFICE
310 FIRST STREET, S.E.
WASHINGTON, DC 20003**

**FOR: CAMPAIGN PARAPHERNALIA,
NAMELY POLITICAL BOOKLETS AND POST-
ERS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37,
38 AND 50).**

**FIRST USE 7-21-1994; IN COMMERCE
7-21-1994.**

**FOR: TELECOMMUNICATIONS, NAMELY
TELEVISION BROADCASTING AND SATEL-
LITE BROADCASTING FOR TELEVISION, IN
CLASS 38 (U.S. CLS. 100, 101 AND 104).**

**FIRST USE 7-21-1994; IN COMMERCE
7-21-1994.**

**FOR: TELEVISION SHOW PROGRAMMING
AND PRODUCTION OF TELEVISION PRO-
GRAMS, IN CLASS 41 (U.S. CLS. 100, 101 AND
107).**

**FIRST USE 7-21-1994; IN COMMERCE
7-21-1994.**

**NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "GOP TV" OR "REPUBLICAN"
, APART FROM THE MARK AS SHOWN.**

SEC. 2(F).

SER. NO. 74-571,225, FILED 9-8-1994.

STEVEN R. FINE, EXAMINING ATTORNEY

EXHIBIT B

Int. Cls.: 16, 38 and 41

**Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, 50, 100,
101, 104 and 107**

United States Patent and Trademark Office

Reg. No. 1,980,493

Registered June 18, 1996

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

RISING TIDE

REPUBLICAN NATIONAL COMMITTEE (D.C.
UNINCORPORATED POLITICAL ASSOCIA-
TION)

CHIEF COUNSEL'S OFFICE
310 FIRST STREET, S.E.
WASHINGTON, DC 20003

FOR: MAGAZINES IN THE FIELD OF POLI-
TICS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37,
38 AND 50).

FIRST USE 9-28-1993; IN COMMERCE
9-28-1993.

FOR: TELECOMMUNICATIONS, NAMELY
TELEVISION BROADCASTING AND SATEL-
LITE BROADCASTING FOR TELEVISION, IN
CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 1-27-1994; IN COMMERCE
1-27-1994.

FOR: TELEVISION PROGRAMMING AND
EDUCATIONAL SERVICES, NAMELY TELE-
VISION PRODUCTION, CONDUCTING CLASS-
ES, SEMINARS, WORKSHOPS AND CONFER-
ENCES IN THE FIELD OF POLITICS, IN
CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 1-27-1994; IN COMMERCE
1-27-1994.

SER. NO. 74-571,224, FILED 9-8-1994.

STEVEN R. FINE, EXAMINING ATTORNEY

EXHIBIT C

Int. Cls.: 35 and 36

Prior U.S. Cls.: 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 3,333,658

Registered Nov. 13, 2007

**SERVICE MARK
PRINCIPAL REGISTER**



JOHN MCCAIN 2008 - THE EXPLORATORY
COMMITTEE, INC. (DELAWARE CORPORA-
TION)

P.O. BOX 16118
ARLINGTON, VA 22215

FOR: PROMOTING THE PUBLIC AWARENESS
OF A CANDIDATE FOR ELECTION, IN CLASS 35
(U.S. CLS. 100, 101 AND 102).

FIRST USE 11-15-2006; IN COMMERCE 11-15-2006.

FOR: POLITICAL CAMPAIGN SERVICES, NAME-
LY FUNDRAISING IN THE FIELD OF POLITICS, IN
CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 11-15-2006; IN COMMERCE 11-15-2006.

THE NAME IN THE MARK IDENTIFIES JOHN
MCCAIN WHOSE CONSENT IS OF RECORD.

THE MARK CONSISTS OF A STAR WITH HOR-
IZONTAL LINES ON EACH SIDE.

SER. NO. 77-081,105, FILED 1-11-2007.

KAREN K. BUSH, EXAMINING ATTORNEY

EXHIBIT D

Int. Cl.: 38

Prior U.S. Cls.: 100, 101, and 104

United States Patent and Trademark Office

Reg. No. 3,395,543

Registered Mar. 11, 2008

**SERVICE MARK
PRINCIPAL REGISTER**

MCCAIN SPACE

JOHN MCCAIN 2008 - THE EXPLORATORY
COMMITTEE, INC. (DELAWARE CORPORATION)

P.O. BOX 16118
ARLINGTON, VA 22215

FOR: PROVIDING ON-LINE ELECTRONIC BULLETIN BOARDS FOR TRANSMISSION OF MESSAGES AMONG USERS IN THE FIELD OF NATIONAL POLICY AND MATTERS OF INTEREST TO THE NATIONAL ELECTORATE, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 1-15-2007; IN COMMERCE 1-15-2007.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SPACE", APART FROM THE MARK AS SHOWN.

THE NAME IN THE MARK IDENTIFIES "JOHN MCCAIN", WHOSE CONSENT TO REGISTER IS MADE OF RECORD.

SN 77-092,422, FILED 1-26-2007.

KAREN K. BUSH, EXAMINING ATTORNEY